

December 14, 2017

Mr. John Canoles
Eco-Science Professionals Inc.
P O Box 5006
Glen Arm MD 21057

Re: 10845 Philadelphia Road, White Marsh MD 21162
Forest Buffer Variance
Tracking No. 06-17-2593

Dear Mr. Canoles:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains submitted for the above referenced property. The request proposes to permanently impact 1144 square feet of forest buffer associated with an addition, a basement walkout, stormwater management, and a new sidewalk, and to impact 42,545 square feet of forest buffer for the continued use of existing parking, sidewalks, patio, septic, picnic area, and lawn on this existing commercial site. There are no impacts proposed to forest, the stream, or non-tidal wetlands, but most of the continued existing use areas are within the 100-year floodplain that covers more than half of the property. The applicant proposes to plant 17,424 square feet of the remaining forest buffer to meet forest conservation afforestation and forest buffer mitigation requirements.

This Department has reviewed the request, and has determined that a practical difficulty/unreasonable hardship does exist. Literal enforcement of the law would not allow for a practical expansion of commercial use of the property, and would not allow continued use of portions of the property that were developed over ten years ago with a smaller stream buffer recorded. The building is close to Philadelphia Road with the parking lot and lawn south of it and down to scattered vegetation at the stream. New impacts to the forest buffer for the building addition, walkout patio, and stormwater management have been minimized to the extent possible when considering site constraints and the necessary improvements for construction of the proposed building. Therefore, the potential for impacts to water quality and aquatic resources as a result of the redevelopment of this property can be minimized with mitigative measures.

Based on this review, the proposed redevelopment and continued existing uses proposed within the required forest buffer on this property meet the requirements of Baltimore County Code Section 33-3-106. The approval is subject to the following conditions to minimize water quality impacts:

1. The following note must appear on all plans submitted for this project:

“On December 14, 2017, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from Baltimore County Code Article 33, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains for new impacts to 1,144 square feet of forest buffer area on the referenced property for construction of an addition, and to allow the continuance of existing uses within the buffer. Conditions were placed on this variance to reduce water quality impacts.”

2. The proposed mitigation is acceptable. Details of all mitigation must be presented in a Forest Buffer Protection Plan (FBPP). The FBPP must be approved prior to any permit approvals for this site.
3. “Forest Buffer-Do Not Disturb” signs shall be installed on the approved forest buffer limits. The location of the signs, and the sign specifications must be shown on the FBPP.
4. An Environmental Agreement shall be completed for any required securities related to the mitigation for the forest buffer impacts, and for forest conservation planting. The security shall be a minimum of \$0.25 per square foot of mitigation area for any planting, and shall be posted prior to any permit approval.
5. “Orange high visibility fence shall be manually installed along the limits of disturbance is within 50-feet of the approved forest buffer limits. This shall be completed and the location of the fence approved by Baltimore County Department of Environmental Protection & Sustainability (EPS) prior to any permit approvals, or at the time of a preconstruction meeting. If any problems arise regarding the fence location, unnecessary equipment clearing, etc., no permit will be issued until the required corrections are completed to the satisfaction of Baltimore County EPS.” This note must be placed on all plans for this project, and must appear in the beginning, where appropriate, of the sequence of operations on any sediment control and grading plans.
6. Any grading and sediment control plans must be reviewed and approved by this office.
7. All conditions of this variance must be completed to the satisfaction of this Department prior to any permit approvals for this project, unless otherwise stated above.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require approval of an amended variance request.

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Please have the property owner sign the statement at the end of this letter, and return the signed original of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

David V. Lykens
Deputy Director

DVL: pad

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I/We agree to the above conditions to bring my/our property into compliance with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, And Floodplains:

Property Owner

Date

Printed Name of Property Owner